



U.S. Department of Justice

United States Attorney
Northern District of Ohio

United States Court House
801 West Superior Avenue, Suite 400
Cleveland, Ohio 44113-1852
Main: 216-622-3600
Facsimile: 216-522-4982

May 3, 2019

Michael Mapes

Colorado Springs, CO 80920

Re: Subpoena in *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio)

Dear Mr. Mapes:

The Department of Justice has received a request to reconsider its previous denial of authorization for you to disclose official Department of Justice information. The Drug Enforcement Administration (DEA) was notified of this request for reconsideration and has stated that it has no objections to a limited authorization as set forth below for you to appear and testify. Therefore, due to changed circumstances based on additional discovery in this case, you are hereby authorized pursuant to 28 C.F.R. § 16.24 to appear and to give non-privileged, factual testimony within your personal knowledge regarding the following:

1. Your general employment history with the DEA;
2. Your general duties in your various positions held in DEA;
3. Your personal recollection of your communications with DEA registrants about what makes an order "suspicious" under 21 C.F.R. § 1301.74, including communications at distributor initiative meetings and at industry conferences;
4. Your personal recollection of advice you provided third-parties regarding registrants' obligation to monitor orders placed with third-party registrants, including the use of chargeback data;
5. Your personal recollection regarding the nature of ARCOS and CSOS data and how registrants submitted the data to DEA historically;

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6. Your personal recollection of DEA's general practices and procedures relating to processing and analyzing ARCOS data;
7. Your personal recollection of any information publically disclosed by the United States regarding enforcement actions taken by DEA against any Track 1 defendant; and
8. Your personal recollection regarding "DEA's interpretation and enforcement of, and practices related to 21 U.S.C. § 823 and 21 C.F.R. § 1301.74" and "DEA's interpretation, enforcement, and practices regarding the obligation to monitor orders" to the extent covered by the foregoing authorized specific topics.

With regard to these authorized areas of testimony, you are not authorized to disclose any information that would disclose privileged information, including, but not limited to, the following:

- A. Information regarding any specific DEA investigations or activities;
- B. Classified and classifiable information;
- C. Information that would reveal the internal deliberative process within the United States Department of Justice, including the DEA, the United States Attorney's Office, and/or any other federal departments or agencies;
- D. Information that would reveal a confidential source or informant;
- E. Information the disclosure of which would violate a statute, including laws governing grand jury proceedings;
- F. Information that could threaten the lives or safety of any individual, including home addresses of law enforcement personnel;
- G. Information that could interfere with ongoing investigations and/or prosecutions;
- H. Information that could reveal investigative or intelligence gathering and dissemination techniques whose effectiveness would be thereby impaired;
- I. Privileged attorney-client information;
- J. Information that would reveal attorney work product or matters of prosecutorial discretion;
- K. Expert opinion testimony related to non-public facts or information acquired as part of your performance of your official duties;

- L. Personal opinions regarding non-public facts or information acquired as part of your performance of your official duties; and
- M. Any non-public recommendations you made or you were aware of concerning any proposed agency action.

If you are asked to testify beyond the limits stated above, you should respectfully decline to answer and explain that 28 C.F.R. § 16.22(a) precludes you from doing so. Further, you are not authorized to disclose official information on any other subject. If you have any questions, please do not hesitate to contact DEA Assistant Deputy Chief Counsel Sandra Stevens or Assistant U.S. Attorney James Bennett (216-622-3988).



AVA ROTELL DUSTIN

Executive Assistant United States Attorney
Office of the United States Attorney
Northern District of Ohio
Acting Under Authority Conferred by 28 U.S.C. § 515